



Paper No. 6

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JUN 18 2002

In re Application of
Komazaki, et al.
Application No. 09/785,501
Filed: February 20, 2001
Attorney Docket No. 32011-169878
For: BRANCHING FILTER

OFFICE OF PETITIONS
DECISION GRANTING
PETITION

This is a decision on the petition entitled, "PETITION UNDER 37 CFR 1.181(a)(3)", filed May 8, 2001 and supplemented on May 31, 2002, requesting that the above-identified application be accorded a filing date of February 20, 2001. The petition will be treated under 37 CFR 1.53(e).

The application was deposited on February 20, 2001. On April 27, 2001, the Office of Initial Patent Examination mailed a Notice informing petitioners that no filing date had been accorded to the application papers deposited on February 20, 2001 because no drawings were present, as is required by 35 USC 113.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the above-identified application be accorded a filing date of February 20, 2001 on the basis that 11 sheets of drawing figures were received in the Patent and Trademark Office (PTO) on February 20, 2001. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing February 20, 2001 as the date of receipt. The postcard lists, *inter alia*, that the filing included 11 sheets of drawings.

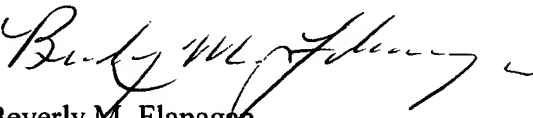
The return postcard constitutes *prima facie* evidence that 11 sheets of drawing figures were filed on February 20, 2001. MPEP 503. Accordingly, the request is granted.

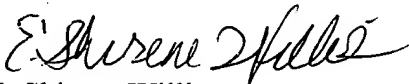
No fee has been or will be charged in connection with this matter.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **February 20, 2001**, using the copies of the 11 sheets of drawings submitted with the instant petition. Office records will be corrected to show that 11 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.


Beverly M. Flanagan
Supervisory Petitions Examiner
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